

bottomless. The Examiner has allowed Claims 84, 85 and 87.

The claims have been amended. The words “a long and clear un-impeded hallway” are deleted. The words, “an enclosed passageway” and “that closes at a distal end of said crawl path” which are used in the allowed Claim 84, have been re-introduced in the amended claims 60 and 71.

The currently amended Claim 71 has been written to more closely resembled to the previously allowed Claim 60 which is allowed in the Examiner’s Office Action of 04/06/2007.

The Amendments L, M and N have not been entered by the Examiner. The amended claims are amended with changes relative to the previously submitted Amendment K of 7/20/2007. The fee for an extension of time for two-months for a small-entity applicant, counted from the mailing date of the prior Notice of Non-Compliant Amendment, May 7, 2008, is paid with this submission.

The applicant has consulted with Supervisory Legal Instruments Examiner, Palestine Jenkins and Examiner Gloria Trammell, about the fee to be paid for the two-months extension of time, the proper status identifiers and the deletion of Claim 92. They have given me valuable opinions and they have been very helpful.

The applicant requests an entry and consideration of the amended claims submitted herewith.

Respectfully submitted,

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## Discussion and Remarks

In the cited references, Wilson (6,158,165) has placed a set of wires 21 in an interleaving configuration (lines 31-33, column 3 of Wilson's paper). The interleaving wires 21 provides a plurality of gaps through which an insect can push aside (line 9, Abstract of Wilson's paper) to enter a confined chamber.

The diagram shown on the right is Fig. 5 in the Wilson's paper. It is shown in Fig. 5 that the walls 20, 24 are the supporting structural elements which do not cover the interleaving wires 21 completely. Wilson states that the tube 20 is funnel shaped, having a conical part 24 disposed inside the mason jar container 27 (lines 43-45, column 3). The distal end of the wall 24 is open-ended. The gap between the wall 24 and the interleaving wires 21 allows the insect to move between the interleaving wires 21 and the interior of the trap chamber 27. The interleaving wires 21 would not move to a closed position with respect to the wall 24 in the Wilson's device. The gap would continue to be there, a trapped flying insect would finally be able to escape through the gaps between the interleaving wires 21.

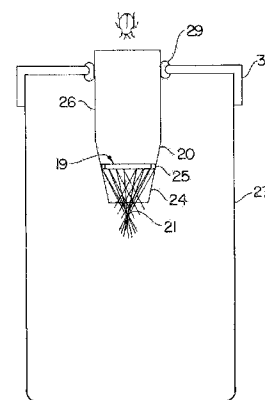


FIG. 5

After a careful reading of the Wilson's patent, it is found that the Wilson's device is not suitable for use to trap a flying insect, such as a housefly 330 as indicated in the specification. The fly 330 can easily push aside the interleaving wires 21 in the Wilson's device to enter or escape from the chamber.

Indeed, Wilson has anticipated that a trapped insect could escape from his device, and he has stated that (line 38-46, column 1 of Wilson's paper),

“The passage can be constructed to impede the escape of captured subjects by providing a smooth-walled surface inclined so that the exterior opening of the passage is elevated above the interior opening of the passage, whereby subjects attempting to escape slip on the smooth-walled surface and are urged downwardly into the container by the inclination of the passage. Preferably, the passage is oriented substantially vertically so the effect of gravity is maximized.”

The above Wilson’s statements also indicate that his device is intended for a crawling insect. A flying housefly, which would not have to crawl on the smooth-walled surface to reach the interleaving wires 21, could fly directly to the interleaving wires 21. The fly would escape by pushing and enlarging the gaps between the interleaving wires 21. Thus, the Wilson’s device is not suitable for use in trapping a flying insect.

The barrier formed by the interleaving wires 21 in the Wilson’s device can be easily broken down by a trapped insect by pushing and enlarging the gaps between the interleaving wires 21 as stated above. The Wilson’s structure, which is in fact a porous barrier formed by the interleaving wires 21, is different from the complete and effective enclosure employed in the applicant’s device. The interleaving wires 21 in the Wilson’s device, unlike the applicant’s crawl path which would deflect to create an opening or return to a closed position with the enclosure, would not move into a closed position or to create an opening with respect to the walls 20 and 24.

The gap between the space-apart wires 21 in the Wilson’s device can be enlarged easily without a restriction by a desperate insect. There is no restraining mechanism to restrict the movement of the interleaving wires 21. The distal ends of the wires 21 are allowed to move freely. The interleaving wires 21 can be pushed by the trapped insect into any shape, other than the original shape intended in the Wilson’s device.

The independent Claim 60 has been amended so that a wall enclosure in the depen-

dent Claim 62 can be included. The walls specified in Claim 62 would prevent an insect from escaping by penetration. The impenetrable property of the walls is equivalent to the characteristic disclosed in the previously allowed Claim 60 which is allowed in the Examiner's Office Action of 04/06/2007.

The previously allowed Claim 60, filed in the Amendment H of 1/17/07, has described an essential attribute of a non-penetrating material against a flying insect. The non-penetration property of an enclosure, which is employed in the previously allowed Claim 60, is exhibited when the deflectable strips constituting the enclosure are inter-linked together by a plurality of short flexible strips.

Dependent Claims 62, 64 and 66 are amended.

The currently amended Claim 71 has now been reverted to a form similar to the previously allowed Claim 60 which is allowed in the Examiner's Office Action of 04/06/2007.

Claims 81 and 90 are canceled. Dependent Claims 83 and 89 are amended.

A new Claim 91 which is dependent on Claim 71 has been added. The trap comprising a plurality of tines mounted outwardly from the enclosure is the same as the trap specified in the previously allowed Claims 63 and 71 which are allowed in your Office Action of 04/06/2007.

**Current Status of all Claims:**

Claims 1-59 (Canceled)  
Claim 60 (Currently amended)  
Claim 61 (Canceled)  
Claim 62 (Withdrawn)  
Claim 63 (Previously presented)  
Claim 64 (Currently amended)  
Claim 65 (Previously presented)  
Claim 66 (Currently amended)  
Claim 67 (Previously presented)  
Claim 68 (Canceled)  
Claim 69-70 (Previously presented)  
Claim 71 (Currently amended)  
Claim 72 (Canceled)  
Claim 73 (Previously presented)  
Claims 74-79 (Canceled)  
Claim 80 (Previously presented)  
Claim 81 (Canceled)  
Claim 82 (Previously presented)  
Claim 83 (Currently amended)  
Claims 84-85 (Previously presented)  
Claim 86 (Canceled)  
Claim 87 (Previously presented)  
Claim 88 (Canceled)  
Claim 89 (Currently amended)  
Claim 90 (Canceled)  
Claim 91 (New)